

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1731 OF 2017**

1. Ranjana Sharad Phalphale,	
2. Sharad Manik Phalphale	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Prashant Subhash Hagare for the Applicants

Mr. S. H. Yadav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 352 of 2017 registered with the Indapur Police Station, Indapur, for the alleged offences punishable under Sections 307, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. After arguing for some time, learned Counsel for the applicants does not press the application *qua* applicant No.2-Sharad Manik Phalphale and seeks leave to withdraw the application *qua* him. He submits that the

applicant No.2-Sharad Phalphale be granted liberty to file an appropriate application before the Sessions Court, after filing of the charge-sheet.

4. The learned Counsel for the applicants submits that as far as the applicant No. 1-Ranjana Sharad Phalphale is concerned, she is alleged to have assaulted with a stick and given fist and kick blows. He submits that it is not mentioned in the FIR, as to whom the applicant No. 1-Ranjana had assaulted.

5. Learned A.P.P had sought time yesterday, as the Investigating Officer was not present and hence, the matter was kept today. Today also, the Investigating Officer is not present.

6. Perused the FIR. It appears that the incident took place on 1st June, 2017, pursuant to a dispute regarding an access road, going towards the complainant's house. The applicant No. 1 is alleged to have assaulted with a stick and and with fist blows. It is not mentioned in the FIR as to whom the applicant No. 1 had assaulted. Learned A.P.P is unable to point out any other material, as the Investigating Officer is not present.

7. Be that as it may, considering the role ascribed to the applicant No. 1-Ranjana Phalphale in the FIR and considering the fact, that the applicant is a lady, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant No.1-Ranjana Phalphale be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant No.1-Ranjana Phalphale shall not tamper with the evidence or attempt to contact or influence the complainant, witnesses or any person concerned with the case;
- (iii) The applicant No.1-Ranjana Phalphale to cooperate with the conduct of the trial.

8. The application is partly allowed in the aforesaid terms and is accordingly disposed of.

9. If an application for regular bail is filed by the applicant No.2-Sharad Phalphale, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.